

5:10CV7

Defendants.

Plaintiff also requests that this Court reconsider the denial of his Motion for Medical

Records. (Doc. No. 28.) Plaintiff requests that the Court compel the production of his medical records at Alexander Correctional Institution from March 3, 2009, to May 1, 2009, and the medical records of Dr. Stephen Sladicka, the orthopaedic doctor who treated him for the injury at issue. With regard to Plaintiff's Alexander Correctional Institution records, Defendants attached to their Motion for Summary Judgment the "complete and accurate copies of Plaintiff's inmate medical records for the relevant time herein" (Doc. No. 25-2: Fortner Aff. ¶ 3.) It therefore appears to the Court that Plaintiff has copies of these medical records. Although Plaintiff asserts in his affidavit in support of his Motion for Reconsideration that his medical records "appear to be incomplete," he provides no basis for his general assertion. (Doc. No. 29.) Nor does Plaintiff allege what relevant information he believes is missing.

Plaintiff also requests that the Court compel the production of Dr. Sladicka's records pertaining to Plaintiff. Plaintiff does not specify in his motion why he needs the records of Dr. Sladicka. In his Complaint Plaintiff alleges that Dr. Sladicka informed him that his hand should have been placed in a cast immediately. (Doc. No. 1 at 7.) It is unlikely such information is contained in Plaintiff's medical records.¹ Moreover, having reviewed the record in general, it does not appear to the Court that Dr. Sladicka's records are necessary to the resolution of this case. Plaintiff's Motion for Reconsideration is denied.

Plaintiff also requests that he be allowed to take the depositions of the Defendants, Dr. Sladicka, and two inmates. Pursuant to Rule 30(b)(2) of the Federal Rules of Civil Procedure, a prisoner must obtain leave of court to take depositions. Fed. R. Civ. P. 30(b)(2). After reviewing the record as a whole, this Court does not see a need for depositions at this point in time. More

¹ Plaintiff may, of course, obtain an affidavit from Dr. Sladicka, confirming what Plaintiff alleges Dr. Sladicka told him.

specifically, the Court finds that the burden and expense of taking these depositions outweighs their likely benefit. Fed. R. Civ. P. 26(b)(2)(C)(iii). Consequently, Plaintiff's request to depose these individuals is denied.


IT IS THEREFORE ORDERED THAT:

1. Plaintiff's Motion for Extension of Time (Doc. No. 30) is **GRANTED** and Plaintiff has up to and including November 16, 2010, in which to respond to Defendants' Motion for Summary Judgment;

2. Plaintiff's Motion for Reconsideration (Doc. No. 28) is **DENIED**; and

3. Plaintiff's Motion to Take Depositions (Doc. No. 31) is **DENIED**.

Signed: September 10, 2010


Robert J. Conrad, Jr.
Chief United States District Judge

